

Outgoing  
S/039/0034

Peter Brinton &lt;peterbrinton@utah.gov&gt;

**RE: Sanpete/Spring City Irrigation Ditch**Fox Mine cultural ~~response~~**Peter Brinton** <peterbrinton@utah.gov>

Mon, Jun 2, 2014 at 1:48 PM

To: Sue Jensen Weeks &lt;sjensenweeks@hotmail.com&gt;

Cc: Scott Olsen &lt;solsen@sanpetecounty-ut.gov&gt;, Christopher Merritt &lt;cmerritt@utah.gov&gt;

Hi Sue,

I thought Chris Merritt summarized the situation well, as we understand it at the Division of Oil, Gas & Mining.

To summarize in my words, for any action needing a state permit (mining activities), cultural resources need to be taken into account, including on private properties. This we have done for the east side. The current activities on the west side of the highway are not considered mining activities, and former mining disturbances have been regraded. Because a mine permit is not needed, the Division has no authority to ask for additional accounting of cultural resources on the west side. That would change if mining activities re-commence on the west.

When last I spoke with Daron Christensen (the current mine operator and permittee for the mine east of the highway), he indicated that they were no longer selling marketable rock from the west side of the property, but said that they were hauling smaller rock (non marketable) from the west to the east area pits for burial and topsoil replacement. (This conversation was in response to your questions about the ongoing work on the west side, as shown in the pictures you provided.) Daron knows that he is not approved to sell rock from the west side without a permit. Since receiving your photos of activity at the highway, I have verified that under-sized rock is indeed being placed and buried on the east side. We have determined that such activity does not need a permit, given the reported duration of hauling and the lack of proposed future mining on the west.

When I am in the area next, I will again inspect both sides of the highway to confirm that no additional mine permitting is needed.

Thanks for speaking as a concerned citizen.

Peter

On Fri, May 30, 2014 at 3:58 PM, Sue Jensen Weeks <sjensenweeks@hotmail.com> wrote:

Dear Chris & Peter:

I have been doing some verification regarding Spring City Irrigation Cement Ditch:

This irrigation ditch was indeed paid for with 50% USDA money.

The remaining 50% was paid for by loans taken out (20/30 year loans) and by the property owners paying assessments.

This is the case with the current irrigation sprinkler system as well i.e. the USDA paid 50% of the cost with owners responsible for the rest.

Regards,  
Sue

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Date: Fri, 30 May 2014 13:44:14 -0600

Subject: Re: Sanpete/Spring City Irrigation Ditch

From: cmerritt@utah.gov

To: sjensenweeks@hotmail.com

Hi Sue,



I'm working remotely from home today, so I will give you a bit of rundown here. I took very seriously the phone call we had on Wednesday, and immediately left a message with Peter 5 minutes after we talked. I finally discussed the issue with Peter late yesterday afternoon. We worked through several of the issues we discussed on the phone. From what Peter explained to me, is that the work at the Faux Mine is only State-permitted for the east side of the highway. Apparently, all the work occurring on the west side of the highway is occurring without a permit as one is not necessary because it was a farmer's request to remove some rock material that was recently disturbed by plowing activity.

What this means, is that if the work on the left does not require a permit from the State, the cultural resources laws do not apply to that private land. All the work on the east side of the road is indeed State permitted, and thus required compliance with the State Utah Code 9-8-404. Sadly, where the state is not involved on the project on the west side of the road, there is nothing to be done from that legal framework. Any work done on private land by private corporations, even as abhorrent as this appears to be, does not fall under the review of our office at Utah State History. If, however, they are causing damage to the ditch on the east side of that highway, then it is definitely within the scope of the review process.

While the site is eligible for the National Register of Historic Places, it sadly does not offer much more protection. All cultural resource laws have no real 'bite' to them, other than making agencies take them 'into account' when they are proposing a project. So if they were going to destroy a portion of the ditch on the east side they could do that, but they would just have to do something as 'mitigation'...or a fancy word for giving something back (interpretive signs, brochures, etc.). So even if the site was listed on the National Register they could still feasibly destroy it. One last point, is that even if the site is listed or eligible for the National Register, the private land owners can do whatever they want to it without any input from us, as long as there is no state or federal ties (permits, money, etc.).

Peter further explained that apparently the work that Christiansen Ready-Mix is doing on the west side of the highway is almost, if not, completed. I hope this means they stop damaging the ditch and crossing your property illegally. I'm truly sorry I can't provide more help in this case, but urge you to continue to get the County Sheriff involved in this illegal trespass issue. I am not a lawyer so I am unsure what to do next, nor is it my role.

I'm really sorry I couldn't do more, but I took your phone call seriously and did what I could. I wanted to write this all out so you could have a copy of it for your records. If you would like to talk about this on Monday please feel free to give me a call, I'm sorry that I couldn't be of more help. Let me know what else I can do to help, but within my framework there isn't more I can do right now.

Thank you for appreciation and preservation efforts, and let's hope these operators move out of your immediate vicinity extremely soon and leave the historical fabric of Spring City alone.

On Fri, May 30, 2014 at 10:32 AM, Sue Jensen Weeks <[sjensenweeks@hotmail.com](mailto:sjensenweeks@hotmail.com)> wrote:

Dear Chris:

I send an email to Peter Brinton explaining the fact of the existence of the cement irrigation ditch referenced in the letter Peter had sent to me.

I also mentioned I have photographs of Faux (et al) removing the cement irrigation ditch from southern end of his property- in my opinion- well after he would have been aware of its historic/archaeological significance. given the dates on Peter Brinton's letters.

Please keep me in the loop as to the protection of this structure. Communication regarding protection of this structure.

I want to preserve the integrity of the irrigation on our property which as I mention may be the best remaining example in Spring City. I do have some concerns given Faux removed his irrigation ditch.

How can I apply for designation to make sure no one interferes or damages the structure?

Best Regards,

Sue